IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 13188 of 2005

Between:

Marisetty Satyanarayana, s/o Chandraiah, Cultivation,
Gopavaram (V), Nidadavolu (M), West Godavari District.

..... PETITIONER

AND

1 Sri Venugopala Swamy Temple, Gopavaram (V), Nidadavolu (M), West Godavari
District, represented by its Manager.
2 The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the 1st respondent, in conducting the auction in respect of petitioner's schedule land situated in Survey No.38/1, 51 admeasuring Ac.7.50 cents (4.00 actual holding of the petitioner)(dry land) at Gopavaram (V), Nidadavolu (M), W.G.District, without disposing the petitioner's representation dt.11-04-2005, as illegal, arbitrary, against their own circulars, and also violative of all cannons of fair Play and Principles of natural justice and consequently direct the respondent not to conduct any auction in respect of petitioner's schedule land situated in Survey No.38/1, 51 admeasuring Ac.7.50 cents (4.00 actual holding of the petitioner) dry land) at Gopavaram (V), Nidadavolu (M), W.G.District, till disposal of the petitioner's representation dt.11-04-2005.

Counsel for the Petitioner: MR.SITA RAM CHAPARLA

Counsel for the Respondent No.1: SMT.N.INDRANI

Counsel for respondent No.2: GP FOR ENDOWMENTS

The Court made the following:

ORAL ORDER:

Heard the learned counsel for the petitioner, Smt.N.Indrani, learned counsel for 1st respondent and the learned Government Pleader for Endowments appearing for 2nd respondent.

2. The grievance of the petitioner is that despite the note in Form-I issued by the 1st respondent, to the effect that the petitioner was a landless poor person and despite his representation dated 11.4.2005, pending with the 2nd respondent, to determine his status as a landless poor person, proceedings have now been initiated to evict him from the lands of the 1st respondent-Temple of which he is a tenant.

3. Mr.Seetharam Chaparla, learned counsel for the petitioner states that the auction proceedings are going to be held tomorrow and if the auction is permitted to be proceeded with, the petitioner will be thrown out from the lands under his occupation.

4. The statutory rules require the 2nd respondent to determine the status of a tenant as to whether or not he is a landless poor person. The 2nd respondent is, therefore, directed to consider and dispose of the representation of the petitioner dated 11.4.2005 and pass appropriate orders thereon within a period of one month from the date of receipt of a copy of this order. Pending disposal of the representation of the petitioner by the 2nd respondent, the auction, for which notice was issued, may go on, but the same shall not be finalized and the petitioner shall not be dispossessed from the land under his occupation. It is, however, made clear that on disposal of the petitioner's representation by the 2nd respondent, it is open to the respondents to take such action as is permissible under law.

5. With the directions indicated above, the Writ Petition is disposed of. No costs.

22.06.2005

SSR

To

1 The Manager, Sri Venugopala Swamy Temple, Gopavaram (V), Nidadavolu (M), West Godavari District.
2 The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.

3 2 CCs to G.P. for Endowments, High Court of A.P. Hyderabad. (OUT)

4 2 CD copies

5 1 CC to MR.SITA RAM CHAPARLA

*Form-NIC-OGS/WP{**RS**}*